THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No.18310 of 2007

Dated : 30.08.2007

Between:
A.Manohar Reddy S/o A.Narasimha Reddy

..... PETITIONER

AND
Andhra Pradesh State Seed Certification Agency,
rep., by its Director, HACA Bhavan,
and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No.18310 of 2007

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the first respondent in passing the impugned order dated 21.08.2007 suspending the petitioner as arbitrary and illegal and consequently set aside the said order.

It is the case of the petitioner that he was appointed as Seed Certification Officer in the respondent-agency in the year 1985, and thereafter was promoted as Senior Seed Certification Officer in the year 2006 and posted at Kurnool. Later, by proceedings dated 23.05.2007 he was transferred to Nizamabad, pursuant to which he was relieved at Kurnool on 01.06.2007, and he joined at Nizamabad on 04.06.2007. While so, in the intervening night of 23/24.06.2007, due to overflowing Hundri river at Kurnool, the godowns of the respondent-agency situated near the banks of Hundri river were inundated, due to which the cotton seed kept in the godowns got submerged and was damaged. Therefore, the A.P. Seed Growers Association, Kurnool, which kept seed in the

said godowns, requested the respondents to pay the cost of the damaged seeds. Pursuant thereto, petitioner was called upon to submit his explanation and accordingly, petitioner submitted his explanation on 02.08.2007 stating that he had taken all necessary measures and that the growers who had kept the seeds in the godowns for certification had not lifted the cotton seeds despite being asked to lift the same, and as such he cannot be held responsible for the loss caused. However, without considering the said explanation, the first respondent, passed the impugned order dated 21.08.2007 placing the petitioner under suspension pending disciplinary proceedings.

Now the grievance of the petitioner is that he has nothing to do with the damage caused to the respondent-agency, and in fact, by the date of the incident he was not working at Kurnool, and he was relieved on 01.06.2007 itself and as such he cannot be held responsible for the loss suffered by the respondent-agency. Therefore, he seeks to set aside the said order of suspension.

Heard the learned counsel for the petitioner and perused the impugned order of suspension dated 21.08.2007.

In the impugned order it was alleged that petitioner has failed in his duties and thereby caused loss to the respondent-agency, and therefore, he was placed under suspension pending disciplinary enquiry. The question as to whether petitioner is responsible for the loss caused to the respondent-agency or not is a matter of enquiry and this Court cannot go into the said aspect. Therefore, this Court is of the view that this writ petition is premature. Petitioner is at liberty to make a representation to the second respondent bringing all the facts to the notice of the second respondent and can seek for revocation of the order of suspension. If any such representation is made, the second respondent shall consider the same and pass appropriate orders, expeditiously.

With the above observations, the writ petition is disposed of. There

shall be no order as to costs.

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30.08.2007

Note: Furnish C.C. in one week.

(B/o)

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